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# Public Notice

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**Applicant:**

Browning-Ferris Industries  
Lorain County Landfill

**Date:**

Published: January 22, 2002

Expires: February 22, 2002

**U.S. Army Corps  
of Engineers**

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**In Reply Refer To:**

Buffalo District **CELRB-CO-R RE:** 98-502-0017(2) **Section:** OH 404

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Application for Permit under Authority of  
Section 404 of the Clean Water Act (33 U.S.C. 1344).

Mr. David Mathews, on behalf of Browning-Ferris Industries of Ohio (BFIO), Northern Ohio Landfill District, 43502 Oberlin-Elyria Road, Oberlin, Ohio 44074, has requested a Department of the Army (DA) permit to place fill in waters of the United States for the construction of the Lorain County II Landfill Northern Expansion Project. The project is located south of Butternut Ridge Road midway between Oberlin Road and SR 20, Russia Township, Lorain County, Ohio.

Department of the Army authorization is required to place fill in approximately 0.67 acre of Federal wetland and 3,201 linear feet of an unnamed intermittent stream that is a tributary to Squires Ditch and Plum Creek.

Project History:

The BFIO facility currently consists of the 84-acre Lorain County I Landfill which is currently closed as well as the 194-acre Lorain County II Landfill which is presently operating. In 1997, BFIO began looking at a 94-acre expansion area to the north of the Lorain County II site known as the "Northern Expansion Area." Accordingly, on February 27, 1998 the applicant received affirmation of Nationwide Permit No. 26 for wetland impacts on the 94-acre Northern Expansion site. A total of 0.32 acre of wetland has been impacted in reliance of this permit, without mitigation. The applicant's current application is for the remainder of impacts to waters of the United States within the Northern Expansion Area so that the facility may be expanded.

Current Proposal:

The proposed Northern Expansion Area will provide disposal capacity for approximately 9.7 million tons of solid waste, thus prolonging the life of the facility an additional 14.5 years. To construct this expansion project, the applicant's preferred alternative would impact four wetlands (0.67 acre, includes existing and proposed impacts) and 3,201 linear feet of stream. Almost the entire length of the stream will be excavated to construct the landfill disposal cells. The stream area would then be filled with the landfill liner/leachate collection system, non-hazardous solid waste and

daily cover, and the landfill cap. Wetlands B, C, and D will be excavated to construct sediment ponds. The remaining portions of Wetland E and the stream will be impacted during construction of the screening berm and landfill access.

As mitigation for the stream impacts, the applicant has proposed the preservation of approximately 20.5 acres of high quality forested riparian habitat and stream buffer along 2,800 linear feet of Plum Creek on the BFIO property. Wetland impacts will be mitigated by the creation of a minimum of 1.02 acres of wetlands within an existing wildlife pond and the Plum Creek floodplain.

The applicant's stated purpose for this project is to construct and operate a non-hazardous waste landfill at BFIO's existing Lorain County facility that will meet the projected waste disposal needs of the surrounding area for the next 14 to 15 years.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Martin P. Wargo, who can be contacted by calling (716) 879-4116, or by e-mail at: martin.p.wargo@usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the work proposed is within the habitat range of 4 species proposed or designated by the U.S. Department of the Interior as threatened or endangered, and it may affect the critical habitat of any such species. The USFWS commented to the applicant in a letter dated February 17, 1999 that these four species occur in Lorain County. However, it is unlikely that the peregrine falcon, piping plover, and bald eagle will be present on the project site. The Indiana bat may be present and therefore appropriate precautions should be taken if suitable habitat is found.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, and should be marked to the attention of Martin P. Wargo, or by e-mail at: martin.p.wargo@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior

or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

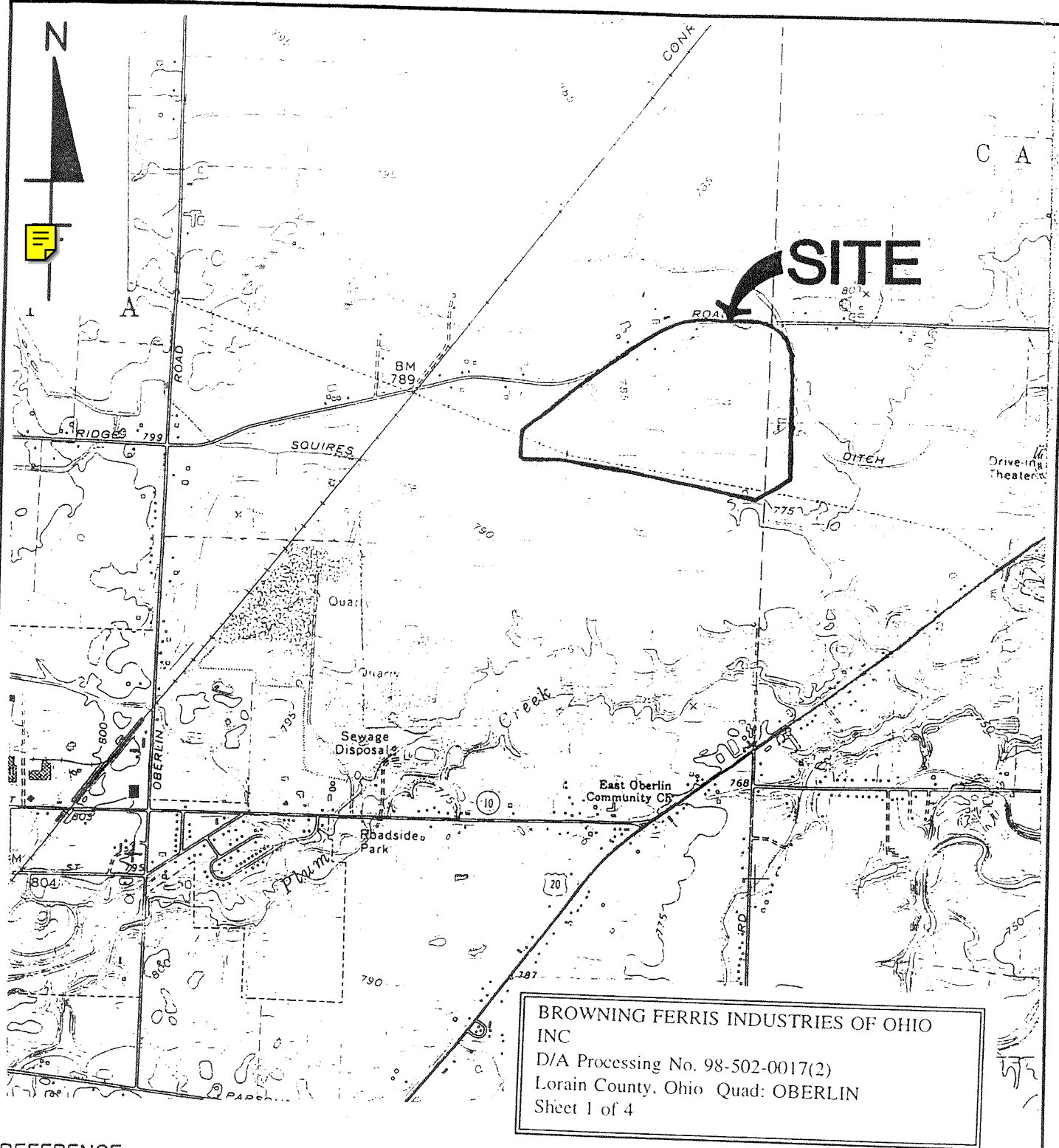
The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner  
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.

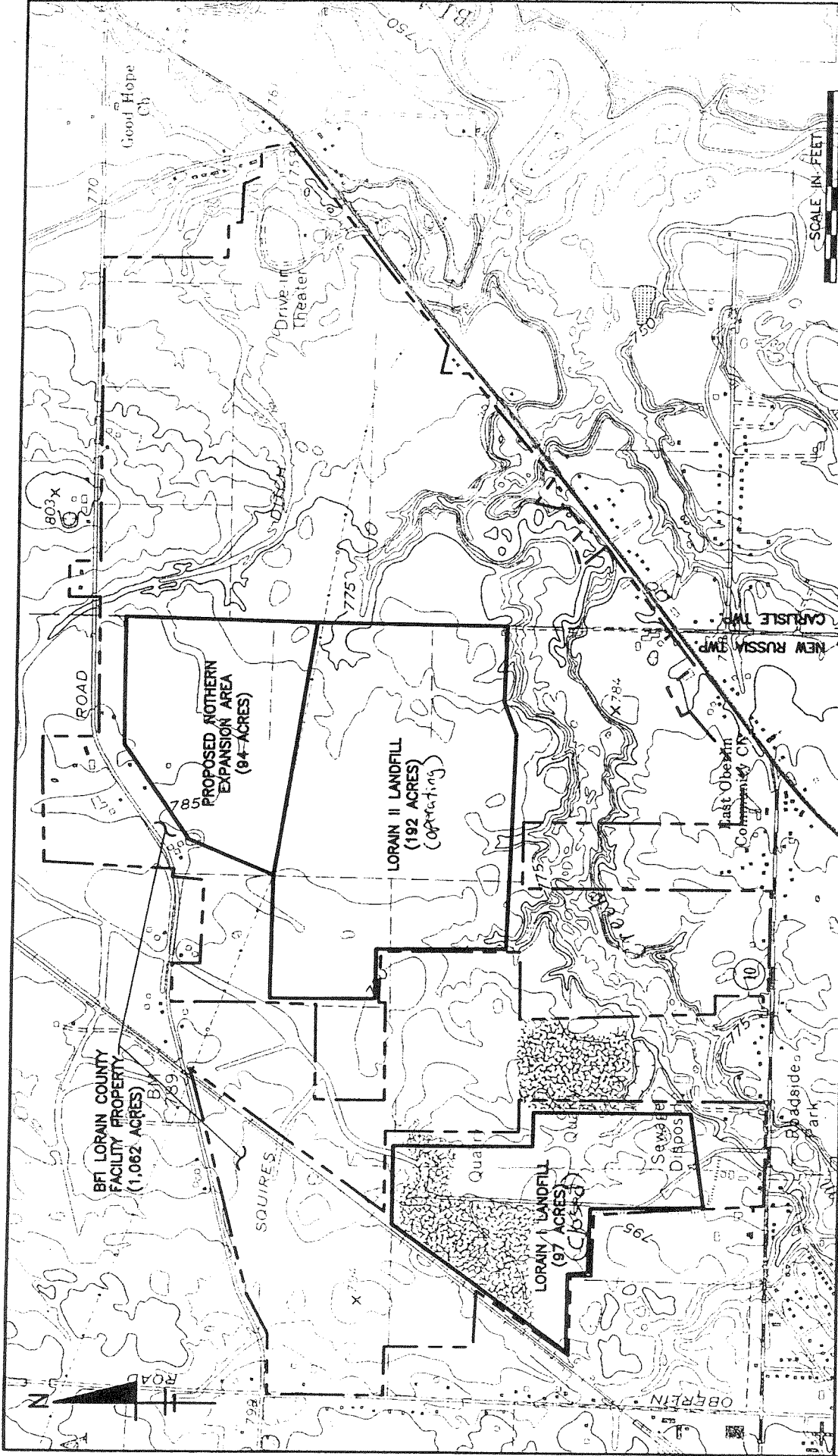
G:\PROJECTS\97440\DWG\FIGURE1.DWG (S. METZ) - SEPT 03, 1997 - 17:48:20




**Civil & Environmental Consultants, Inc.**  
Pittsburgh, PA Cincinnati, OH  
(412) 921-3402 • (800) 365-2324 (513) 985-0226 • (800) 759-5614

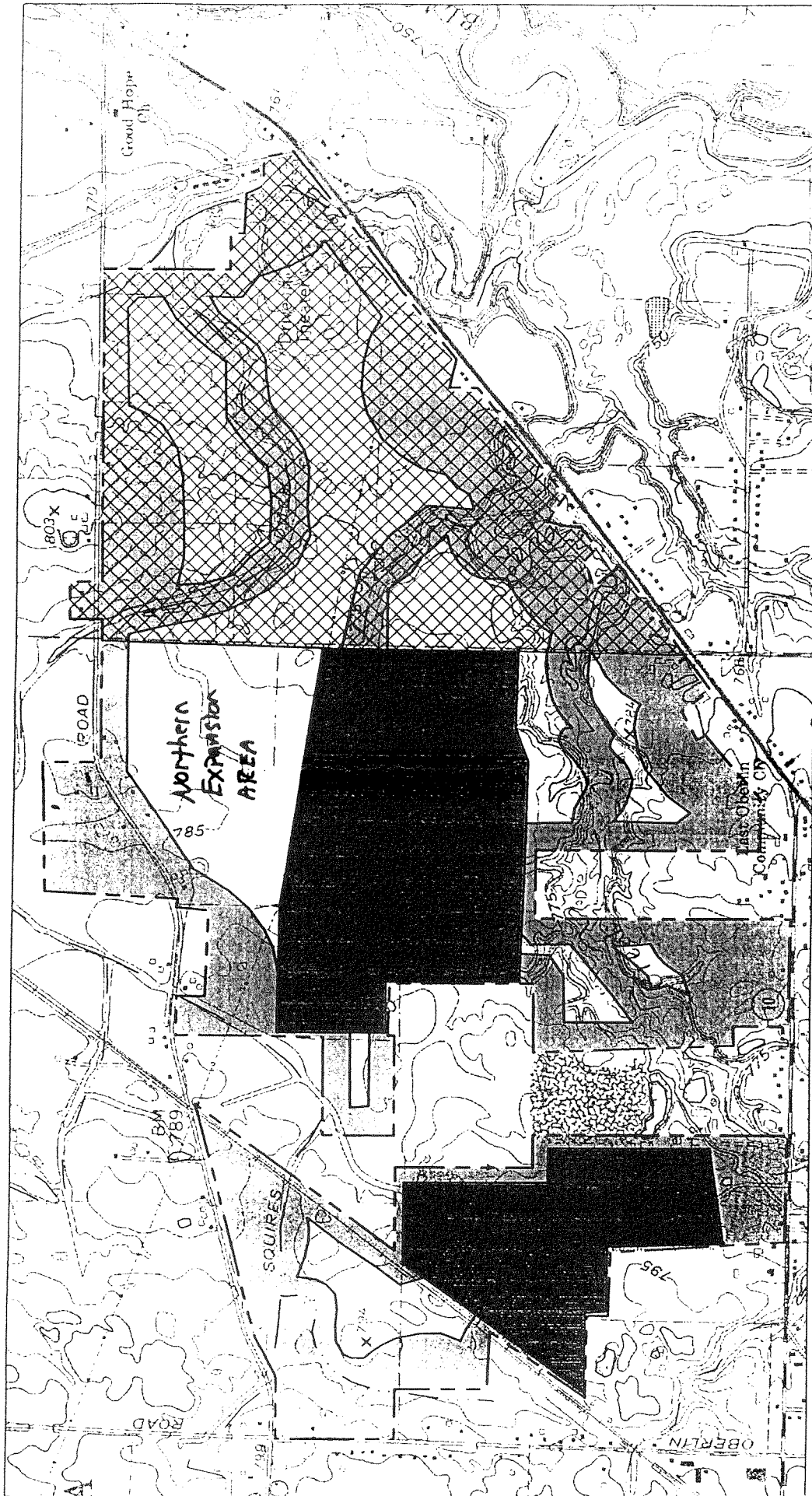
**SITE LOCATION MAP**  
BFI OF OHIO, INC.  
LORAIN COUNTY II LANDFILL EXPANSION  
LORAIN COUNTY, OHIO

<b>DWN. BY:</b> S.M.M.	<b>ACAD FILE:</b>	<b>SCALE:</b>	<b>DATE:</b>		
<b>CHKD. BY:</b>	FIGURE 1	1"=2000'	9/3/97	97440	FIGURE 1



REFERENCE: U.S.G.S. 7.5' TOPOGRAPHIC MAP OBERLIN, OHIO QUADRANGLE DATED: 1969; PHOTOREVISED: 1979 SCALE: 1"=2000'		<b>LEGEND</b> --- PROPERTY BOUNDARY		 <b>Civil &amp; Environmental Consultants, Inc.</b> Pittsburgh, PA (412) 429-2324 • (800) 365-2324 Cincinnati, OH • Columbus, OH • Indianapolis, IN • Nashville, TN		<b>SITE LOCATION MAP</b> BROWNING-FERRIS INDUSTRIES OF OHIO LORAIN COUNTY II LANDFILL NORTHERN EXPANSION	
DWN BY: DRC CHKD BY:		SCALE: 1"=1000'		DATE: 2/24/99		PROJECT NO.: 98373	
						FIGURE 1	

BROWNING FERRIS INDUSTRIES OF OHIO  
 INC  
 D/A Processing No. 98-502-0017(2)  
 Lorain County, Ohio Quad: OBERLIN  
 Sheet 2 of 4



# LEGEND

- PROPERTY BOUNDARY
- EXISTING LANDFILL
- OHIO EPA SETBACK CRITERIA
- CARLISLE TWP. - LANDFILL PROHIBITION

SCALE IN FEET  
0 1000 2000



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DWN BY: DWB  
CHKD BY:

SCALE  
1" = 1000'

DATE  
03/08/99

PROJECT NO.  
98373

FIGURE 3

LANDFILL SITING EXCLUSION AREAS  
BROWNING-FERRIS INDUSTRIES OF OHIO  
LORAIN COUNTY II LANDFILL  
NORTHERN EXPANSION

REFERENCE:  
U.S.G.S. 7.5' TOPOGRAPHIC MAP  
OBERLIN, OHIO QUADRANGLE  
DATED: 1968; PHOTO REVD: 1979  
SCALE: 1"=2000'

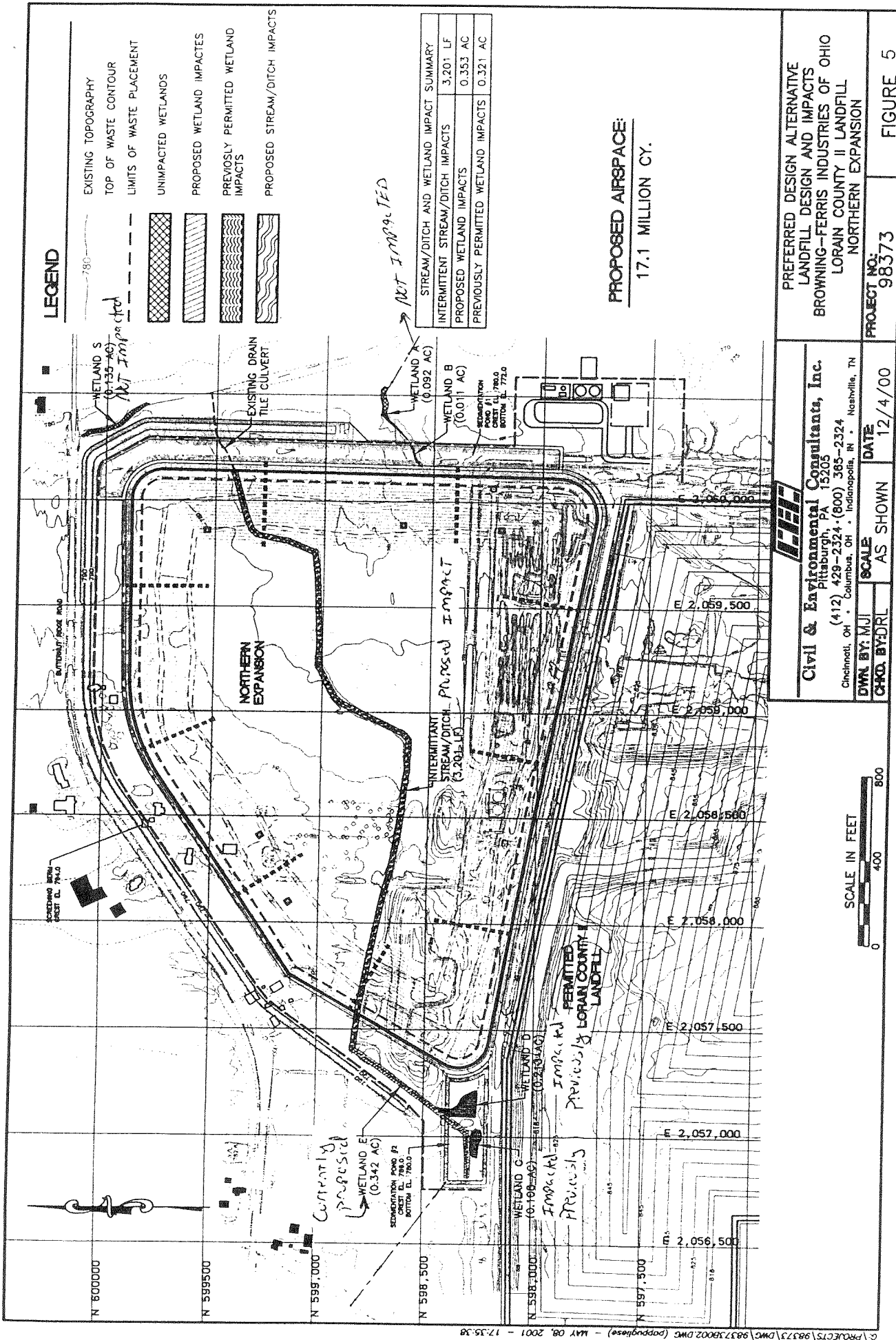
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INC

D/A Processing No. 98-502-0017(2)

Lorain County, Ohio Quad: OBERLIN

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